IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 3RD JULY 2007 / 12TH ASHADHA 1929

CRL.A.No. 15 of 2001()

CC.243/1999 of JUDL.MAGISTRATE OF FIRST CLASS-II, ERNAKULAM
CRL.M.C. NO.5858/2000 DATED 14/11/2000

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APPELLANT:

M/S.BENHUR TRADES & INVESTMENTS (P) LTD.,
REPRESENTED BY ITS AUTHORISED OFFICER
SRI.ACHUTHAN, LEGAL MANAGER,
M/S.BENHUR TRADES & INVESTMENTS (P) LTD.,
MAS BUILDINGS, ERNAKULAM NORTH

BY ADV. SMT.P.A.REZIYA

RESPONDENTS:

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1. MR. SUNIL K.VARGHESE,
KANNATH HOUSE,
ELOOR FERRY ROAD,
UDYOGAMANDAL P.O.,
ELOOR-683 501.

2. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI C.K.SURESH

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 03/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R.UDAYABHANU, J.

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Crl.A.No.15 of 2001(A)

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Dated this the 3rd day of July, 2007

J U D G M E N T

The appellant is the complainant in C.C.No.243/1999 in the file of the Judicial Magistrate of First Class Court-II, Ernakulam, the proceedings initiated under Section 138 of the Negotiable Instruments Act. The accused was acquitted under Section 256(1) of the Code of Criminal Procedure. It is submitted that the lapse was occasioned on account of the wrong noting of the posting date.

In the circumstances, the order of acquittal is set aside. The court below is directed to permit the appellant/complainant to further pursue the matter and dispose of the case on merits. The appellant shall appear before the court below on 02/08/2007. The court below shall issue fresh summons to the accused.

The appeal is allowed.

K.R.UDAYABHANU,
Judge

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K.R.UDAYABHANU, J.

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Crl.A.No.15 of 2001(A)

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J U D G M E N T

3rd July, 2007